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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,691	07/06/2001	Hans-Juergen Hauschild	112740-237	6701

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EXAMINER	
ESCALANTE, OVIDIO	
ART UNIT	**PAPER NUMBER**
2645	9

DATE MAILED: 12/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/900,691	HAUSCHILD ET AL.	
	Examiner	Art Unit	
	Ovidio Escalante	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 September 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *8*.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

1. This action is in response to applicant's amendment filed on September 22, 2003. **Claims 1-12** are now pending in the present application.

Information Disclosure Statement

2. The information disclosure statement submitted on July 6, 2001, September 22, 2003 is considered by the examiner. The submission is in compliance with the provisions of 37 CFR 1.97.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Picard US Patent 6,233,318.

Regarding claim 1, Picard teaches a voice processing apparatus and method for processing individual voice messages stored in a voice memory system (abstract), wherein the voice memory system is controllable via the voice processing apparatus using particular signals, (col. 10, lines 46-59; col. 13, lines 22-33), the voice processing apparatus comprising:

a transmission apparatus for sequentially requesting the individual voice messages stored in the voice memory system via an input, (col. 7, lines 13-28);

a reception apparatus for sequentially receiving the individual voice messages stored in the voice memory system, (col. 13, lines 22-33);

a playback apparatus for randomly playing back the stored individual voice messages, (col. 3, lines 41-49; col. 13, lines 22-33).

Regarding claims 2 and 3, Picard teaches a wherein the transmission apparatus automatically generates and sends the particular signals required for controlling the voice memory system and wherein the particular signals are formed based on a dual tone multi-frequency dialing method, (col. 13, lines 22-33).

Regarding claim 4, Picard teaches a display apparatus having a graphical user interface for controlling the voice processing apparatus, (col. 7, lines 13-25; fig. 8).

Regarding claim 5, Picard teaches wherein the stored voice messages are made available to the user as a respective attachment to an e-mail, (col. 9, lines 28-39).

Regarding claim 6, Picard teaches an erasing apparatus for automatically erasing the individual voice messages in the voice memory system which already have been received, (col. 17, line 66-col. 18, line 4).

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz US Patent 6,445,694 in view of Pawlowski et al. US Patent 6,038,199.

Regarding claim 7, Swartz teaches a voice processing method for processing individual voice messages stored in a voice memory (Host 41) system (abstract), wherein the voice memory system is controllable via the voice processing apparatus using particular signals, (col. 2, lines 49-54), the voice processing apparatus comprising:

a reception apparatus (31) for sequentially receiving the individual voice messages stored in the voice memory system, (fig. 9; col. 12, lines 46-59);

a playback apparatus for randomly playing back the stored individual voice messages, (fig. 10; col. 12, lines 46-59).

While Swartz teaches of a memory apparatus for storing the individually voice messages in the voice memory system, Swartz does not specifically teach of the voice processing apparatus comprising a memory apparatus for separately storing the individual voice messages.

Pawlowski teaches that it was well known in the art to have a voice processing system (PC 18) for receiving voice messages from a voice memory system and storing the voice messages individually in the voice processing system (26) so that a user can randomly play back the stored message, (col. 3, lines 18-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Swartz by storing the voice messages in the voice processing system as taught by Pawlowski so that management of voice files can be enhanced.

Regarding claim 8, Swartz teaches a transmission apparatus for automatically generating and sending the particular signals required for controlling the voice memory system and wherein the particular signals are formed based on a dual tone multi-frequency dialing method, (col. 2, lines 49-54; col. 13, lines 54-65).

Regarding claim 9, Swartz teaches wherein the stored voice messages are made available to the user as a respective attachment to an e-mail, (col. 12, lines 46-59).

Regarding claim 10, Swartz in view of Pawlowski teaches an erasing apparatus for automatically erasing the individual voice messages in the voice memory system which already have been received, (col. 3, lines 18-30, Pawlowski). Pawlowski inherently erases the individual voice messages from the voice memory when the message is transferred because once a message is transferred it is no longer in the voice memory system.

It would have also been obvious to one of ordinary skill in the art to have a system that erases the files that have already been received so that redundant files can be eliminated. This will allow for more memory space in the voice mail system.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Picard in view of Walsh US Patent 5,797,124.

Regarding claim 11, while Picard teaches of processing individual voice messages stored in a memory system, Picard does not specifically teaches of the transmission apparatus requests multiple individual voice messages stored in the voice memory system by a single request.

However, Picard suggests of retrieving all messages for the user, therefore it would have been obvious to retrieve multiple messages from a single request so that the user can receive all of their messages at once.

Nonetheless, Walsh teaches that it was well known to have a request multiple individual voice messages stored in the voice memory system by a single request, (col. 1, lines 63-col. 2, line 14; col. 3, lines 23-26,51-59). A user will input for example, a name and the system will retrieve all messages with that particular name. Therefore, by having a single input multiple messages that are of the same type i.e. from the same caller could be all retrieved.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Picard by requesting multiple individual voice messages stored by a single request as taught by Walsh so that all messages that are related by message sender can be accessed and retrieved at the same time.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz in view of Pawlowski and further in view of Walsh US Patent 5,797,124.

Regarding claim 12, while Swartz and Pawlowski teach of processing individual voice messages stored in a memory system, Swartz and Pawlowski does not specifically teach of the transmission apparatus requests multiple individual voice messages stored in the voice memory system by a single request.

Walsh teaches that it was well known to have a request multiple individual voice messages stored in the voice memory system by a single request, (col. 1, lines 63-col. 2, line 14; col. 3, lines 23-26,51-59). A user will input for example, a name and the system will retrieve all

messages with that particular name. Therefore, by having a single input multiple messages that are of the same type i.e. from the same caller could be all retrieved.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Swartz and Pawlowski by requesting multiple individual voice messages stored by a single request as taught by Walsh so that all messages that are related by message sender can be accessed and retrieved at the same time.

Response to Arguments

9. Applicant's arguments filed September 22, 2003 have been fully considered but they are not persuasive.

10. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., sequentially requesting all of the voice messages by a single keystroke or mouse click) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

While new dependent claims 11 and 12 support the above limitations, independent claims 1 and 7 do not recite receiving all voice messages by a single input. Furthermore, claims 1 and 7 only recite that the messages be sequentially received which broadly reads on only receiving at least a first message and then receiving a second message after the first message. There is no requirement that the messages are retrieved in response to a single input.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

(703) 872-9314, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is (703) 308-6262. The examiner can normally be reached on Monday to Friday from 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [fan.tsang@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ovidio Escalante
Examiner
Group 2645
December 15, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600